

FILED

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

MAR 9 2020

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JAN ROUVEN FUECHTENER, AKA Lars  
Schmidt,

Defendant-Appellant.

No. 19-10097

D.C. No.  
2:16-cr-00100-GMN-CWH-1  
District of Nevada,  
Las Vegas

ORDER

Before: SILVERMAN, CHRISTEN, and BADE, Circuit Judges.

Appellee's motion to dismiss this appeal in light of the valid appeal waiver (Docket Entry No. 16) is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (knowing and voluntary appeal waiver whose language encompasses the right to appeal on the grounds raised is enforceable). Contrary to appellant's argument, his claim that the district court erred by denying his motion to withdraw his guilty plea is covered by the waiver. *See United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011) (waiver of right to appeal any aspect of defendant's conviction covers appeal of denial of motion to withdraw guilty plea). Moreover, the record does not support appellant's claim that the government breached the plea agreement. To the extent appellant claims that his plea was not knowing and voluntary because he received ineffective assistance of counsel, he

may bring that claim in a 28 U.S.C. § 2255 motion, as his plea agreement expressly contemplates. *See Rahman*, 642 F.3d at 1259-60.

**DISMISSED.**